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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 FREDRICK J. LEAVITT,

13 Defendant.

2:17-CR-391-APG-VCF

Final Order of Forfeiture

14 The United States District Court for the District of Nevada entered a Preliminary
15 Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2) and 18 U.S.C. §
16 981(a)(1)(C) with 28 U.S.C. § 2461(c) based upon the plea of guilty by Fredrick J. Leavitt to
17 the criminal offense, forfeiting the property and imposing an in personam criminal forfeiture
18 money judgment set forth in the Plea Agreement and the Forfeiture Allegation of the
19 Superseding Criminal Information and shown by the United States to have the requisite
20 nexus to the offense to which Fredrick J. Leavitt pled guilty. Superseding Criminal
21 Information, ECF No. 56; Plea Agreement, ECF No. 58; Preliminary Order of Forfeiture,
22 ECF No. 59; Arraignment and Plea, ECF No. 60.

23 This Court finds that on the government's motion, the Court may at any time enter
24 an order of forfeiture or amend an existing order of forfeiture to include subsequently
25 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
26 32.2(b)(2)(C).

27 The in personam criminal forfeiture money judgment amount of \$201,250 complies
28 with *Honeycutt v. United States*, 137 S. Ct. 1626 (2017).

1 This Court finds the United States published the notice of forfeiture in accordance
2 with the law via the official government internet forfeiture site, www.forfeiture.gov,
3 consecutively from October 18, 2019, through November 16, 2019, notifying all potential
4 third parties of their right to petition the Court. Notice of Filing Proof of Publication
5 Exhibits, ECF No. 62-1, p. 5.

6 This Court finds the United States notified known third parties by personal service or
7 by regular mail and certified mail return receipt requested of their right to petition the Court.
8 Notice of Filing Service of Process – Mailing, ECF No. 63; Notice of Filing Service of
9 Process – Personal Service, ECF No. 64.

10 On November 5, 2019, the United States Attorney's Office served Tracey Leavitt
11 with copies of the Preliminary Order of Forfeiture and the Notice through regular mail and
12 certified mail return receipt requested. Notice of Filing Service of Process – Mailing
13 Exhibits, ECF No. 63-1, p. 3, 5-7, 9-12, 15-16, 18.

14 On November 5, 2019, the United States Attorney's Office served the Department of
15 the Interior with copies of the Preliminary Order of Forfeiture and the Notice through
16 regular mail and certified mail return receipt requested. Notice of Filing Service of Process –
17 Mailing Exhibits, ECF No. 63-1, p. 3, 5-7, 9-12, 14, 17-18.

18 On November 14, 2019, the United States Marshals Service attempted to personally
19 serve Tracey Lynn Leavitt with copies of the Preliminary Order of Forfeiture and the
20 Notice. Notice of Filing Service of Process – Personal Service Exhibits, ECF No. 64-1.

21 This Court finds no petition was filed herein by or on behalf of any person or entity
22 and the time for filing such petitions and claims has expired.

23 This Court finds no petitions are pending regarding the property named herein and
24 the time for presenting such petitions has expired.

25 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
26 all possessory rights, ownership rights, and all rights, titles, and interests in the property
27 hereinafter described are condemned, forfeited, and vested in the United States:

28 1. \$87,500; and

(all of which constitutes property); and

that the United States recover from Fredrick J. Leavitt the in personam criminal forfeiture money judgment of \$201,250, not to be held jointly and severally liable with any codefendants, the collected money judgment amount between the codefendants is not to exceed \$875,000, and that the property will be applied toward the payment of the money judgment; and

the forfeiture of the money judgment and the property is imposed pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(p); and 21 U.S.C. § 853(n)(7); that the money judgment shall be collected; and that the property and the collected amount shall be disposed of according to law.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds, including but not limited to, currency, currency equivalents, certificates of deposit, as well as any income derived as a result of the government's management of any property forfeited herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this Order to all counsel of record and three certified copies to the United States Attorney's Office, Attention Asset Forfeiture Unit.

DATED April 12, 2022, 2021.

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